

Applicants' reasoning for allowance in further detail in writing, as suggested by the Examiner in the interview. Applicants respectfully urge the Examiner to reconsider Applicants' more detailed arguments for allowance, to avoid unnecessary lengthy and costly appeal.

§102(e) Rejections Under Kalra

In the November 9, 2001 Office Action, the Examiner maintained his rejections against claims 1-10, 12-21, and 23-34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,953,506 issued to Kalra et al. (hereinafter "Kalra"). The Examiner found Applicants' arguments presented in the last response "unpersuasive". The Examiner asserted that under Kalra "client request for a **particular** adaptive stream along with the series of command supplied from the adaptive stream client-based program ..." (emphasis added).

Applicants respectfully disagree.

The claim language in Claim 1 requires that **the client**

adaptively requesting streaming of model data from a remote content providing server, **based at least in part on the determined operating characteristic value(s)** of the at least one operating characteristic of the client computer system. (emphasis added)

Webster's II New Riverside University Dictionary 77 (1994) defines the adverb "**adaptively**" to mean "something that undergoes change to fit a new or special use or situation." In other words, a first action is taken under a first

situation or set of situations, a second different action is taken under a second different situation or set of situations, and so forth.

Thus, the plain meaning of the limitation of claim 1 requires the client to make a first type of request under a first set of determined operating characteristics, a second different type of request under a second set of different determined operating characteristics, and so forth.

In contrast, under Karla, when a user decides to involve adaptive client and server to assist in the user's browsing of information, the "adaptive" client merely determines the capabilities of the client computer, and provides these determined characteristics to the adaptive server as a client profile. See e.g. column 15, lines 45-50 and column 16, lines 20-24, wherein it is clearly stated that

"once a user has determined that he desires to view a video sequence using adaptive streams, an adaptive streams program resident within the client, begins at a step 60, and at a step 602 ***makes a determination of the user profile ...***

Thereafter, ***the profile is sent*** in a step 606

The server, upon receipt of the client's profile (containing determined characteristics of the client computer), uses the information, as well as other information ..., to make a determination of which streams to transmit ... See e.g. column 16, lines 37-xx, wherein it is clearly stated that

"Once ***the adaptive stream server receives a profile*** from the user, in step 550, ***it*** uses that information, as well as other

information described hereinafter, to ***make a determination*** of which streams to transmit, in a step 552”,

where the pronoun “***it***” under well settled English grammar refers to the ***adaptive server***, and not the adaptive client on the client computer.

Thus, with respect to the adaptive provision of multi-media data, as Applicants explained in the last response, and in the interview, Karla’s teachings are confined to ***the server*** performing the ***adaptation*** based on the ***determined characteristics of the client computer***.

The request actions of the client computer, including the adaptive client program, are “invariant” (therefore, non-adaptive) with respect to the determined operating characteristics. Whether the client computer is determined to comprise a 100MHz processor, a 500 MHz processor, a GHz processor, the adaptive client program of Karla does the same thing, ***it packages the information into a profile, and sends the profile to the server.***

Accordingly, once again, Applicants submit that the “***adaptive requesting***” limitation of the client computer, exhaustively discussed in the last response, in the interview, and in this response, ***is not anticipated by Karla.***

Therefore, claim 1 is unquestionable patentable over Karla.

Claims 12, 23, 26 and 29

Claims 12, 23, 26, and 29 contain similar limitations as claim 1.

Accordingly, for at least the same reason that claim 1 is patentable over Karla, claims 12, 23, 26, and 29 are patentable over Karla.

Claims 2-10, 13-21, 24, 25, 27, 28 and 30-34

Claims 2-10, 13-21, 24, 25, 27, 28 and 30-34 are dependent on claims 12, 23, 26, or 29, and incorporate their limitations. Accordingly, for at least the same reason claims 12, 23, 26, and 29 are patentable over Kalra, claims 2-10, 13-21, 24, 25, 27, 28, and 30-34 are patentable over Kalra.

§103(a) Rejections Under Kalra

Claims 11 and 22

In the November 9, 2001 Office Action, the Examiner also maintained his rejections against claims 11 and 22 under 35 U.S.C. §103(a) as being unpatentable over Kalra. As presented in the last response, and reiterated in the interview, Applicants respectfully submit that claims 11 and 22 are not obvious in view of Kalra.

Claim 11 is dependent upon claim 1, and claim 22 is dependent upon claim 12. As discussed above, Kalra does not teach the art included in claims 1 and 12, accordingly, the invention as claimed in claims 11 and 22 could not be obvious in view of Kalra. Therefore, the present invention as claimed in claims 11 and 22 is patentable over Kalra.

With respect to the Examiner's "Official Notice" of the concept of "dropping audio data frames" being "old and well known in the data communication art," Applicants again disagree. However, in view of the foregoing discussion, it is not an issue that needs to be addressed.

Claims 35-38

In the November 9, 2001 Office Action, claims 35-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kalra in view of Britton et al., U.S. Patent No. 6,279,030 (hereinafter "Britton").

Claims 35 and 36 are dependent upon claim 1, and claims 37 and 38 are dependent upon claim 12, and Britton does not solve the deficiencies of Kalra, thus, the invention as claimed in claims 35-38 could not be obvious over Kalra in view of Britton. Therefore, the present invention as claimed in claims 35-38 is patentable over Kalra in view of Britton.

Conclusion

In conclusion, Applicants respectfully submit that claims 1-38 are now in a condition for allowance, and Applicants respectfully request allowance of such claims.

Please charge any shortages and credit any overages to our Deposit Account No. 501569.

Respectfully submitted,
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